

# Exhibit 17

Deposition of Thomas J. Atencio (February  
9, 2017) (excerpted)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon )  
Fitch, on behalf of )  
themselves and all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. ) Lead Case No.  
 ) 2:15-cv-01045-RFB-(PAL)  
Zuffa, LLC, d/b/a Ultimate )  
Fighting Championship and )  
UFC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF THOMAS J. ATENCIO

COSTA MESA, CALIFORNIA

FEBRUARY 9, 2017

8:40 A.M.

Reported by:  
Cheryl M. Haab, CSR No. 13600, RPR, CLR  
Job No. 48607

<p style="text-align: right;">50</p> <p>1 Randy Couture. I had -- one time we had Rampage 2 Jackson.</p> <p>3 <b>Q Did you have Din Thomas?</b></p> <p>4 A I -- I don't know if we ever had Din Thomas. 5 I know Din. I've met him quite a few times. I 6 don't remember if I ever had him on this -- on 7 contract.</p> <p>8 <b>Q Did you have Nate Marquardt?</b></p> <p>9 A I did have Nate. I had Nate Quarry as well. 10 I had -- but even those guys were very short term, 11 very short period.</p> <p>12 <b>Q Who was responsible for making those payments</b> 13 <b>from Affliction?</b></p> <p>14 A I don't know. I don't. I was doing my job. 15 I was assuming they were paying.</p> <p>16 <b>Q So you -- you don't know who wrote the</b> 17 <b>checks, sent them out?</b></p> <p>18 A No, I don't.</p> <p>19 <b>Q How many employees did Affliction have?</b></p> <p>20 A At our peak, I believe it was 30 -- 21 30-something. It wasn't huge, but it ran.</p> <p>22 <b>Q How did Affliction decide which fighters to</b> 23 <b>sponsor?</b></p> <p>24 A Me.</p> <p>25 <b>Q How did you decide?</b></p>	<p style="text-align: right;">52</p> <p>1 <b>Strikeforce?</b></p> <p>2 A Yes. Yeah.</p> <p>3 <b>Q Okay. Well, did they sponsor fighters in</b> 4 <b>Strikeforce in 2009?</b></p> <p>5 A I don't recall. I don't. I don't know. I 6 would assume we did, but I don't recall. I don't 7 remember.</p> <p>8 <b>Q Do you remember if your agreements -- did</b> 9 <b>Affliction sign agreements with Zuffa?</b></p> <p>10 A Actually, you know what? Sorry. Yes, I 11 did -- I did. I don't know what the year was, but I 12 did have fighters, because I remember at the time 13 Roy Nelson was fighting for -- and it was a 14 nightmare. So that's the only reason why I remember 15 him at the time.</p> <p>16 Your -- your second question was? I'm sorry.</p> <p>17 <b>Q Yeah. Did -- did Affliction sign any</b> 18 <b>agreement with Zuffa in order to be allowed to</b> 19 <b>sponsor fighters?</b></p> <p>20 A It's my understanding that after we 21 dissolved -- or the problem with -- the problem -- 22 the problem that came from -- I can't think of his 23 name now -- testing positive for --</p> <p>24 MR. SKAGGS: Josh Barnett?</p> <p>25 THE WITNESS: Thank you.</p>
<p style="text-align: right;">51</p> <p>1 A Looking at top guys. Sometimes it was based 2 on wins; sometimes it was based on if I liked them. 3 Sometimes it was based on -- you know, I mean, 4 popularity.</p> <p>5 <b>Q As -- as fighters win, do they gain</b> 6 <b>popularity, typically?</b></p> <p>7 A Not necessarily, no.</p> <p>8 <b>Q Typically, do they?</b></p> <p>9 A I would say typically, yeah.</p> <p>10 <b>Q And who -- how would -- how do you know who's</b> 11 <b>a top guy?</b></p> <p>12 A In the MMA industry back then, I would have 13 said by wins. Now, it's totally different. It's 14 MMA; you never know. A guy can be on top and he can 15 lose.</p> <p>16 Now, from a business standpoint, now that I'm 17 older, I would say it -- based on social media, how 18 outspoken he is. It really comes down to marketing 19 and how -- part of the biggest problem is lot of 20 these fighters don't understand that they're their 21 own businesses. They're their own entities. 22 They're -- they -- if they're not marketing machines 23 and they don't know how to market themselves, 24 they're never going to be popular.</p> <p>25 <b>Q Did Affliction sponsor any fighters in</b></p>	<p style="text-align: right;">53</p> <p>1 MR. MAYSEY: Josh Barnett.</p> <p>2 THE WITNESS: So it was my understanding from 3 what I was told, after Josh Barnett tested positive 4 and we couldn't get a fighter to fight for the last 5 event, it's my understanding that they went into 6 negotiations, and they signed documents with Zuffa 7 in order to start sponsoring fighters again.</p> <p>8 BY MR. MAYSEY:</p> <p>9 <b>Q Were you party to those negotiations?</b></p> <p>10 A No.</p> <p>11 <b>Q Did you ever see the signed agreements?</b></p> <p>12 A No.</p> <p>13 <b>Q Do you know if, after that deal was reached</b> 14 <b>with Zuffa, any fighters in Strikeforce were</b> 15 <b>sponsored?</b></p> <p>16 A I don't -- I don't. I don't know. I don't 17 think so, but I don't know. I can't say for 18 certain.</p> <p>19 <b>Q Did Affliction ever pay bonuses for wins in</b> 20 <b>their sponsorship deals?</b></p> <p>21 A Yes. That's how I structured it. For 22 most -- for a lot of them.</p> <p>23 <b>Q And what -- what was the reason for that?</b></p> <p>24 A Incentive to possibly fight harder. It's set 25 up, just like anything else, to win.</p>

14 (Pages 50 to 53)

<p style="text-align: right;">54</p> <p>1 <b>Q And if they win, is -- was it your belief</b>  2 <b>that the deal for Affliction would be more valuable?</b>  3 A Well, yeah. I mean, you want -- you want  4 somebody winning on the podium, you know, at the end  5 of the whatever-it-is event, than some poor guy that  6 lost.  7 <b>Q And did you also have deals where the payment</b>  8 <b>structure would be based upon where the fighter</b>  9 <b>fought on the card, whether they're the first bout,</b>  10 <b>fourth bout, seventh bout, title bout?</b>  11 A Absolutely.  12 <b>Q And what was the rationale for that?</b>  13 A Well, it -- normally TV exposure. Normally,  14 audience exposure. I mean, there's variables. If  15 there's -- if you go there -- if you know anything  16 about live events, most people don't show up until  17 the last, you know, four -- four cards. So you're  18 going to get guys that walk out in an undercard, and  19 you're going to have a quarter or an eighth of what  20 you would live, and not to mention, you're also  21 going to get about the same on TV. It's exposure.  22 <b>Q So are fighters -- I'm going to call it the</b>  23 <b>"top of the card," meaning the end of the night.</b>  24 A Correct.  25 <b>Q Are those fighters more valuable than</b></p>	<p style="text-align: right;">56</p> <p>1 recognize the letters, just M-A-V, big, but other  2 than that, I don't know anything about it.  3 <b>Q I think you testified that winning is</b>  4 <b>important in terms of future sponsorship dollars; is</b>  5 <b>that true?</b>  6 A You're dealing with fighters. Of course,  7 winning is -- I mean, you're -- you're dealing with  8 athletes -- you know, the most competitive people  9 you'll ever meet. Once again, which comes back to  10 the why are they whining. You know. If it was  11 business, they would be doing whatever they would do  12 to win too. Josh Barnett is a perfect example, you  13 know. I mean, the guy -- how many times has he  14 tested positive, you know, for -- for banned  15 substances. Again, he --  16 <b>Q He would have been perfect for card one.</b>  17 A But -- but my point being is, you know, look,  18 I get it. But I'm not going after who I consider  19 scumbags because I made a bad deal. I have nobody  20 but myself to blame.  21 <b>Q Where -- where else do fighters have the</b>  22 <b>opportunity to fight on Pay-Per-View?</b>  23 A You know, they might not. They...  24 <b>Q Are Pay-Per-Views lucrative?</b>  25 A Well, for the guys who are smart enough that</p>
<p style="text-align: right;">55</p> <p>1 <b>undercard fighters, in terms of your sponsorship</b>  2 <b>dollars?</b>  3 A From a marketing side, absolutely.  4 <b>Q How important is TV distribution from a</b>  5 <b>sponsor standpoint?</b>  6 A It's very important. It's exposure.  7 <b>Q And is all TV the same?</b>  8 A No. Absolutely not.  9 <b>Q Have you ever heard of MAVTV?</b>  10 A Yes.  11 <b>Q Is that comparable to Spike or Fox?</b>  12 A Sorry. I'm laughing because I -- I haven't  13 had TV since my son was born, so I don't know. I  14 mean, I can't -- I -- I haven't watched television  15 in -- I don't know how long.  16 <b>Q You don't remember seeing the NFL on MAVTV?</b>  17 A I don't watch football.  18 <b>Q NBA?</b>  19 A Hate basketball.  20 <b>Q Boxing?</b>  21 A Love boxing.  22 No. Not on MAVTV. I've never seen it; so I  23 don't know.  24 <b>Q Have you heard of that channel?</b>  25 A I've heard of it. I -- for some reason, I</p>	<p style="text-align: right;">57</p> <p>1 get a piece of Pay-Per-View, yes.  2 <b>Q Is Strikeforce offer -- offering Pay-Per-View</b>  3 <b>bonuses?</b>  4 A I don't know. I don't know what -- like, I  5 don't know what Scott Coker gives them or Bjorn  6 Rebney gave them. I don't -- I -- I've never been  7 privy to any contracts on any of the organizations;  8 so I don't know.  9 <b>Q To your knowledge, has Strikeforce or</b>  10 <b>Bellator been on Pay-Per-View in the past eight</b>  11 <b>years?</b>  12 MR. SKAGGS: Form. Foundation.  13 THE WITNESS: No.  14 BY MR. MAYSEY:  15 <b>Q Does UFC regularly hold Pay-Per-View cards?</b>  16 MR. SKAGGS: Form. Foundation.  17 THE WITNESS: Yeah.  18 BY MR. MAYSEY:  19 <b>Q Did Affliction offer bonuses for fighters,</b>  20 <b>either competing for or winning a title?</b>  21 A Yes, I believe so.  22 <b>Q What was the purpose for that?</b>  23 A Again, incentive.  24 <b>Q Is there more exposure in those fights?</b>  25 A You mean the -- the top two -- either the --</p>

15 (Pages 54 to 57)

<p style="text-align: right;">58</p> <p>1 the main event, or the co-main event? Yes.</p> <p>2 Absolutely.</p> <p>3 <b>Q And does a champion achieve or obtain more</b></p> <p>4 <b>exposure because of how they won a championship?</b></p> <p>5 MR. SKAGGS: Form. Foundation.</p> <p>6 THE WITNESS: I -- I think there's an</p> <p>7 argument to both sides on that. Because you have</p> <p>8 somebody like Mighty Mouse, who's the No. 1</p> <p>9 pound-for-pound fighter, and it's almost like people</p> <p>10 don't care about him. So is that because he's not a</p> <p>11 dynamic personality, or is that because he's a</p> <p>12 lightweight fighter? So --</p> <p>13 BY MR. MAYSEY:</p> <p>14 <b>Q Would -- would Mighty Mouse be making the</b></p> <p>15 <b>same amount if he did not hold a title?</b></p> <p>16 MR. SKAGGS: Calls for speculation.</p> <p>17 BY MR. MAYSEY:</p> <p>18 <b>Q In your opinion.</b></p> <p>19 A In my opinion -- well, I mean, obviously not.</p> <p>20 But in my opinion, I mean -- you know, I don't know.</p> <p>21 I mean, I don't know. I can't say.</p> <p>22 (Discussion off the record.)</p> <p>23 BY MR. MAYSEY:</p> <p>24 <b>Q And I show you the -- I -- it's for the</b></p> <p>25 <b>purposes of reviewing that chart on page 1 that</b></p>	<p style="text-align: right;">60</p> <p>1 I've never seen this document before until now, just</p> <p>2 because I -- I never recognized that. So this had</p> <p>3 nothing to do with me.</p> <p>4 But to answer your question, yeah. In the</p> <p>5 beginning, no. But yeah. I mean, as -- as it</p> <p>6 started going, yeah, I understand that's how this</p> <p>7 thing would work.</p> <p>8 <b>Q Do you know if you're a party to an agreement</b></p> <p>9 <b>that was entered into with Zuffa lifting the ban on</b></p> <p>10 <b>Affliction?</b></p> <p>11 MR. SKAGGS: Foundation.</p> <p>12 THE WITNESS: Not -- not that I recall. Not</p> <p>13 that I remember. I don't remember anything.</p> <p>14 BY MR. MAYSEY:</p> <p>15 <b>Q What happened to the video rights for the</b></p> <p>16 <b>Affliction ban -- Affliction Day of Reckoning shows?</b></p> <p>17 A From what I was told, it -- it went over to</p> <p>18 Affliction as part of the agreement.</p> <p>19 I'm sorry. To the UFC as part of the</p> <p>20 agreement.</p> <p>21 <b>Q And would that include the photographs as</b></p> <p>22 <b>well?</b></p> <p>23 A I don't know.</p> <p>24 <b>Q You weren't involved in those negotiations?</b></p> <p>25 A No.</p>
<p style="text-align: right;">59</p> <p>1 shows the various payment tiers.</p> <p>2 A Uh-huh.</p> <p>3 <b>Q Does that show a differentiation for main</b></p> <p>4 <b>event or title fight in terms of sponsorship pay?</b></p> <p>5 MR. SKAGGS: Can I just say on the record,</p> <p>6 the origin of the exhibit which the witness has, has</p> <p>7 some highlighting, which I assume is not original to</p> <p>8 the document.</p> <p>9 MR. MAYSEY: That -- that would be accurate.</p> <p>10 Oh, I apologize. The highlighting is -- is</p> <p>11 my notation for you to look at.</p> <p>12 THE WITNESS: Okay.</p> <p>13 Can you ask the question again? I'm sorry.</p> <p>14 BY MR. MAYSEY:</p> <p>15 <b>Q Yes. What does that box indicate to you?</b></p> <p>16 <b>That chart?</b></p> <p>17 A Compensation reading. It indicates that, as</p> <p>18 we spoke about, that if they're higher on the card,</p> <p>19 then they get more money.</p> <p>20 <b>Q But why do they get more money?</b></p> <p>21 A Because it's more exposure.</p> <p>22 <b>Q Was that typical, in your more experienced</b></p> <p>23 <b>fighters, to have a tiered payment structure like</b></p> <p>24 <b>that?</b></p> <p>25 A Yeah. I mean, towards -- towards the end --</p>	<p style="text-align: right;">61</p> <p>1 <b>Q Were clips important to you in marketing your</b></p> <p>2 <b>Pay-Per-View events?</b></p> <p>3 MR. SKAGGS: Foundation.</p> <p>4 BY MR. MAYSEY:</p> <p>5 <b>Q Or event, sorry.</b></p> <p>6 A You mean fight clips? Yeah. I mean, if --</p> <p>7 if you're going for the fight market. If you're --</p> <p>8 if you're going for -- at the time, if you're going</p> <p>9 for more general exposure, if you're going for</p> <p>10 the -- the populous, no. I mean, back then, and I'd</p> <p>11 say even now, there's still -- there's people that</p> <p>12 think it's just violence. It's barbaric. So just</p> <p>13 depends on what you're marketing to.</p> <p>14 BY MR. MAYSEY:</p> <p>15 <b>Q So if you had clips of a star fighter and</b></p> <p>16 <b>you're marketing your Pay-Per-View, would you use</b></p> <p>17 <b>the clips, or would you leave them on the reel?</b></p> <p>18 MR. SKAGGS: Foundation. Form.</p> <p>19 THE WITNESS: For a fighter, yes.</p> <p>20 BY MR. MAYSEY:</p> <p>21 <b>Q Did you have footage of Fedor to market that</b></p> <p>22 <b>event?</b></p> <p>23 A I believe we did, but I -- I don't remember.</p> <p>24 <b>Q Do you know of -- have you ever heard of a</b></p> <p>25 <b>sponsor tax?</b></p>

<p style="text-align: right;">70</p> <p>1 it -- Affliction hasn't produced it and it is marked 2 as confi- -- it is marked as confidential -- 3 MR. MAYSEY: We're going to object to that. 4 Put that on the record. 5 MR. SKAGGS: It's also not his document. 6 MR. MAYSEY: No, no. It's not his document. 7 It's his comp- -- it's about his company. 8 MR. SKAGGS: Doesn't mean it's not 9 confidential information. 10 MR. MAYSEY: Okay. 11 BY MR. MAYSEY: 12 <b>Q Do you know who Cain Velasquez is?</b> 13 A Yes, I do. 14 <b>Q Who's that?</b> 15 A He's a fighter for the UFC. 16 <b>Q And did Affliction sponsor Cain Velasquez?</b> 17 A After I left, yes. 18 <b>Q Do you know for approximately how much that</b> 19 <b>sponsorship deal is worth?</b> 20 A No clue. 21 <b>Q When Affliction MMA formed -- and I believe</b> 22 <b>that was 2008; is that correct?</b> 23 A Yes. 24 MR. SKAGGS: Misstates the testimony. 25 ///</p>	<p style="text-align: right;">72</p> <p>1 A Yes. 2 <b>Q -- you would -- intended for your product to</b> 3 <b>be seen while the athlete competed?</b> 4 A Yes. 5 <b>Q And after the fact -- after that agreement is</b> 6 <b>signed, the deal changes to where now the athlete</b> 7 <b>has to wear a uniform that doesn't include your</b> 8 <b>logo, would that change the deal from your shoes?</b> 9 MR. SKAGGS: Form. Foundation. 10 THE WITNESS: Yes. 11 BY MR. MAYSEY: 12 <b>Q Could you obtain the value that you</b> 13 <b>negotiated prior to that uniform being installed?</b> 14 A No. 15 <b>Q In 2007/8, in that time frame, other than the</b> 16 <b>UFC, did any other promotions draw sizable live</b> 17 <b>audiences?</b> 18 MR. SKAGGS: Foundation. 19 THE WITNESS: Well, I don't know if they were 20 still around. But the Japanese organizations did. 21 BY MR. MAYSEY: 22 <b>Q You're referring to Pride?</b> 23 A Well, either Pride or K-1 or -- what were the 24 other ones? 25 MR. VALETTA: M-1.</p>
<p style="text-align: right;">71</p> <p>1 BY MR. MAYSEY: 2 <b>Q Do you agree?</b> 3 A I believe so. 4 <b>Q What was Affliction's first show?</b> 5 A I don't know. Look. The truth of the matter 6 is -- God. How do I say this? Todd Beard, who 7 was -- you'll understand why I'm telling you this. 8 Todd Beard was a full-fledged, functioning 9 alcoholic. So with Todd, I was always with him; I 10 was his right-hand man. I drank a lot. I don't 11 remember a lot of stuff that happened. It's just -- 12 honestly, it's a blur, because it was just one night 13 after the next, after the next, and just six years 14 of just partying hard. So a lot of stuff. I -- I 15 honestly don't remember. 16 So when I tell you that, I should -- that's 17 why I'm saying that. I don't -- I don't remember 18 the years. I can say, yeah, if I look back and 19 research, I'll remember it's 2007. But as of right 20 now, I believe so. 21 <b>Q So hypothetically, if -- if you were</b> 22 <b>sponsoring a fighter through Affliction for \$200,000</b> 23 <b>a year --</b> 24 A Uh-huh. 25 <b>Q -- and that included payments for bouts --</b></p>	<p style="text-align: right;">73</p> <p>1 THE WITNESS: M -- well, yeah, M-1, 2 Pancrase -- I mean, all the Japanese. The only 3 reason why I know is because Josh Barnett took me to 4 one. 5 BY MR. MAYSEY: 6 <b>Q Any promotions in North America, to your</b> 7 <b>knowledge?</b> 8 A At the time -- was it Strikeforce? But 9 not -- not as big. 10 <b>Q Same time period. Do you know how many</b> 11 <b>national television stations broadcasted MMA?</b> 12 MR. SKAGGS: Foundation. 13 THE WITNESS: My only -- if I recall 14 correctly, I believe it was just Spike. 15 BY MR. MAYSEY: 16 <b>Q To your knowledge, was the UFC the only</b> 17 <b>promotion that was on Pay-Per-View at that time?</b> 18 MR. SKAGGS: Foundation. Leading. 19 THE WITNESS: I believe so. 20 BY MR. MAYSEY: 21 <b>Q Is that still true?</b> 22 A Now that you pointed it out, yeah. 23 <b>Q When Affliction was in the planning stages --</b> 24 <b>and by "Affliction," I mean the promotion -- was UFC</b> 25 <b>the largest promoter in terms of number of events?</b></p>

<p style="text-align: right;">74</p> <p>1 MR. SKAGGS: Foundation. Leading.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. MAYSEY:</p> <p>4 <b>Q In your opinion, were -- did they generate</b></p> <p>5 <b>the most revenue?</b></p> <p>6 MR. SKAGGS: Foundation. Calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: Yeah. In my opinion.</p> <p>9 BY MR. MAYSEY:</p> <p>10 <b>Q Is your opinion educated?</b></p> <p>11 THE REPORTER: "Is your opinion" -- oh. "Is</p> <p>12 your opinion educated?"</p> <p>13 THE WITNESS: In the fight industry.</p> <p>14 BY MR. MAYSEY:</p> <p>15 <b>Q Did they also pay fighters the most?</b></p> <p>16 A I don't know.</p> <p>17 MR. SKAGGS: Foundation.</p> <p>18 BY MR. MAYSEY:</p> <p>19 <b>Q Same time period, 2007, 2008, 2009: How did</b></p> <p>20 <b>the public view the UFC?</b></p> <p>21 MR. SKAGGS: Calls for speculation.</p> <p>22 THE WITNESS: It's my understanding that they</p> <p>23 were still -- they were still viewed as barbaric,</p> <p>24 you know, even -- even below boxing. But that's</p> <p>25 just my opinion.</p>	<p style="text-align: right;">76</p> <p>1 THE WITNESS: I don't know if they're viewed</p> <p>2 by -- as minor leagues. I -- I don't know.</p> <p>3 BY MR. MAYSEY:</p> <p>4 <b>Q In your opinion, are they minor leagues?</b></p> <p>5 A Yeah. In my opinion.</p> <p>6 <b>Q And what does "minor league" mean to you?</b></p> <p>7 A It means a steppingstone for athletes.</p> <p>8 <b>Q To where?</b></p> <p>9 A To the top.</p> <p>10 <b>Q Which is?</b></p> <p>11 A The UFC.</p> <p>12 <b>Q Did you ever hear Dana White refer to other</b></p> <p>13 <b>promotions as "minor leagues" or "rinky-dink"?</b></p> <p>14 MR. SKAGGS: Objection. Calls for hearsay.</p> <p>15 THE WITNESS: I -- I don't know. I -- I</p> <p>16 don't remember. I know what he referred to me as.</p> <p>17 BY MR. MAYSEY:</p> <p>18 <b>Q Which was?</b></p> <p>19 A The T-shirt guy.</p> <p>20 <b>Q That stings.</b></p> <p>21 MR. VALETTA: That one stuck.</p> <p>22 THE WITNESS: Yeah. But the funny thing is,</p> <p>23 is it wasn't even me he was referring to. He was</p> <p>24 referring to Todd. Most people don't know that.</p> <p>25 ///</p>
<p style="text-align: right;">75</p> <p>1 BY MR. MAYSEY:</p> <p>2 <b>Q And for the actual fans of MMA, did -- have</b></p> <p>3 <b>you ever heard that UFC and MMA are synonymous?</b></p> <p>4 MR. SKAGGS: Foundation.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. MAYSEY:</p> <p>7 <b>Q Where did you hear that?</b></p> <p>8 A Actually, I used to say it.</p> <p>9 <b>Q Why did you say it?</b></p> <p>10 A Because as far as -- they were the first</p> <p>11 organization. I used to call them "the Q-tip of the</p> <p>12 industry." You know, when you -- people don't say</p> <p>13 "cotton swab." They say "Q-tip." Same thing with</p> <p>14 Kleenex. People don't say "tissue"; they say</p> <p>15 "Kleenex."</p> <p>16 <b>Q So in your opinion, did the general public</b></p> <p>17 <b>view MMA as the UFC?</b></p> <p>18 A A hundred percent.</p> <p>19 <b>Q Has that changed?</b></p> <p>20 A No. I don't think it's changed, just like</p> <p>21 cotton swabs hasn't changed.</p> <p>22 <b>Q Were other promotions that have entered the</b></p> <p>23 <b>market, are they viewed as minor leagues by the</b></p> <p>24 <b>general public?</b></p> <p>25 MR. SKAGGS: Foundation. Leading.</p>	<p style="text-align: right;">77</p> <p>1 BY MR. MAYSEY:</p> <p>2 <b>Q Did Affliction co-promote?</b></p> <p>3 A Yes.</p> <p>4 MR. SKAGGS: Foundation.</p> <p>5 BY MR. MAYSEY:</p> <p>6 <b>Q With who?</b></p> <p>7 A M-1 Global and Golden Boy Promotions and</p> <p>8 ultimately, Donald Trump.</p> <p>9 <b>Q And was Affliction open to co-promoting?</b></p> <p>10 A As far as I understand at the time, yes.</p> <p>11 <b>Q What was Donald Trump's involvement in</b></p> <p>12 <b>Affliction MMA?</b></p> <p>13 A Nothing. Truthfully? Nothing. He was just</p> <p>14 like me. He was nothing but a puppet.</p> <p>15 <b>Q Did he write checks?</b></p> <p>16 A Absolutely not. I know that for a fact.</p> <p>17 <b>Q Why did you use his name with the brand?</b></p> <p>18 A Because it gave -- it gave us more exposure.</p> <p>19 It gave us mainstream exposure that nobody else</p> <p>20 could, except for Golden Boy, and Golden Boy was in</p> <p>21 the boxing industry.</p> <p>22 <b>Q So, to your knowledge, Donald Trump's</b></p> <p>23 <b>affil- -- actual relationship with Affliction MMA</b></p> <p>24 <b>was nothing more than lending his name?</b></p> <p>25 A To my knowledge, that's exactly what it was.</p>

<p style="text-align: right;">78</p> <p>1 But I didn't -- I don't know any of the inner 2 workings. To my knowledge, that's all it was. 3 <b>Q You never saw profit and loss statements at 4 the mid- -- end of the year?</b> 5 A No. 6 <b>Q Do you think the UFC's refusal to co-promote 7 with other promotions hurts competition?</b> 8 MR. SKAGGS: Form. Foundation. Calls for a 9 legal conclusion. 10 THE WITNESS: You're probably going to 11 dislike me for this, but does the NFL co-promote? 12 BY MR. MAYSEY: 13 <b>Q Is the UFC a league?</b> 14 A It seems like it to me. 15 <b>Q Are there 30 separate owners competing?</b> 16 MR. SKAGGS: Foundation. 17 THE WITNESS: No. 18 BY MR. MAYSEY: 19 <b>Q What was WAMMA?</b> 20 A I'm sorry. WAMMA -- WAMMA was -- what was 21 it? I don't even know. It was -- it was a guy 22 named Michael and somebody else that, at the time, 23 it seemed like a good idea to use them. But in 24 reality, it -- it really wasn't. 25 <b>Q What was WAMMA's objective? Do you know?</b></p>	<p style="text-align: right;">80</p> <p>1 another something that we changed in the industry, 2 as we -- we stacked the card from -- if I understand 3 your question, we stacked the card from bottom to 4 top. Again, I think that -- in my opinion, changed 5 the -- the industry. 6 <b>Q Was Fedor Emelianenko on that card?</b> 7 A Yes. 8 <b>Q Were there other consensus, top-rated 9 heavyweights on that card?</b> 10 A Heavyweights? I don't -- well -- God, I 11 don't remember the card. I believe there was. But 12 I can't -- I don't remember exactly. 13 <b>Q Do you recall reports stating that five of 14 the top ten ranked heavyweights are on that card, in 15 addition to the No. 1-ranked heavyweight in Fedor?</b> 16 A I -- I think so. But I -- I -- again, it's 17 kind of a blur. 18 <b>Q Three former champions?</b> 19 A Yes. For sure. 20 <b>Q And the current champion in Fedor?</b> 21 A Yes. 22 <b>Q Do you believe independent rankings would 23 increase competition in the market?</b> 24 MR. SKAGGS: Foundation. Calls for a legal 25 conclusion.</p>
<p style="text-align: right;">79</p> <p>1 A To organize and have one -- I might be saying 2 this wrong, but it's -- it was one sanctioning body 3 to hold a title, unlike boxing, where there was 4 multiple belts, multiple titles. 5 <b>Q Did -- did WAMMA issue independent rankings 6 to fighters?</b> 7 A I believe so. 8 <b>Q It didn't matter what promotion you were in 9 to be ranked?</b> 10 A I believe that was the -- I believe that was 11 the whole idea of WAMMA. 12 <b>Q What does "co-promote" mean to you?</b> 13 A Work with another organization. 14 <b>Q Do you remember why Affliction MMA partnered 15 with WAMMA or associated with WAMMA?</b> 16 A I believe it was to -- I -- I don't know why. 17 But in my opinion, I believe it was just to look -- 18 look good. Take a negative and make it a positive 19 and whatever. 20 <b>Q Was Affliction band Affliction MMA's first 21 promotion?</b> 22 A Yes. 23 <b>Q Did that card have a lot of highly prominent 24 fighters?</b> 25 A Yeah. That was the whole -- again, it was</p>	<p style="text-align: right;">81</p> <p>1 THE WITNESS: I don't -- I don't know, 2 honestly. 3 BY MR. MAYSEY: 4 <b>Q Who determines who fights who at Affliction 5 MMA?</b> 6 A At the time, it was myself, my assistant, and 7 then we would -- we would talk to Todd about it. 8 I apologize. I have to use the bathroom. 9 MR. MAYSEY: Sure. Let's take a break. 10 THE VIDEOGRAPHER: The time is 10:16 a.m., 11 and we're off the record. 12 (Recess.) 13 THE VIDEOGRAPHER: This marks the beginning 14 of media No. 2 in the deposition of Tom Atencio. 15 The time is 10:23 a.m., and we're on the record. 16 BY MR. MAYSEY: 17 <b>Q So let's backtrack a little -- a little bit, 18 Mr. Atencio.</b> 19 <b>Did you communicate by e-mail while you were 20 with Affliction MMA?</b> 21 A Yes. 22 <b>Q And do you remember what your e-mail address 23 was?</b> 24 A I think it was tom@afflictionclothing.com. 25 Don't know. I don't remember.</p>